

REMARKS

This Amendment is submitted in response to the Office Action mailed February 9, 2005. The Examiner has rejected claims 1-19 in the application. Claims 1, 2, and 4-16 are rejected under 35 USC Section 103(a) over Leonard (4,925,226) in view of Shields (3,796,404). Claims 1-, 3 17, and 19 are rejected under 35 USC Section 103(a) over Reich (3,368,838) in view of Shields (3,796,404). Claim 18 is rejected under 35 USC Section 103(a) over Reich (3,368,838) in view of Shields (3,796,404) and in further view of Holden (1,866,350).

Traverse of Rejections under 35 USC Section 103(a) - Claims 1, 2, and 4-16.

The Examiner has rejected claims 1, 2, and 4-16 under 35 USC Section 103(a) over Leonard (patent no. 4,925,226 in view of Shields (patent no. 3,796,404). The Applicant has carefully reviewed the Examiner's arguments and disagrees with the Examiner's argument because the elements for *prima facie* obviousness (see MPEP 706.02(j)) have not been met by the prior art reference combination proposed by the Examiner because (in addition to other reasons):

(a) there was no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; and

(b) there was no a reasonable expectation of success at the time the Applicant invented the claimed method.

It is important to note that Leonard reference specifically discusses and distinguishes itself from the Shields reference, thereby teaching away from the combination proposed by the Examiner. About Shields, Leonard states as follows (last paragraph of the background of the invention):

"Shields in U.S. Pat. No. 3,792,892 describes a lifting hook, which, although extremely simple in design, presents a number of disadvantages in its function. As was indicated above, it is often necessary to extract containers jammed into below deck cells, oftentimes positioned at extreme angles or inclinations. It is possible that, upon engagement with the lifting hook described in this patent the container could shift and roll to angles which would allow the hooks to disengage. In addition, a slackening of the cables while manipulating a container can similarly allow a hook to disengage. Furthermore the described design precludes movement of the hooks in a plane perpendicular to the container's grasped surface thereby causing undue strain to be applied to the hook and the hoist cable, if the attached container is positioned in or moves through an extreme angle relative to the horizontal."

Thus, there is no suggestion or motivation, in the references to modify the reference or to combine reference teachings. Furthermore, the inventors named in the Leonard patent are presumably of at least ordinary skill. Therefore, this passage is also evidence that there is no suggestion or motivation, in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Finally, the quotation above discloses no reasonable expectation of success for combining the references in the mind of individuals of at least ordinary skill in the art.

Accordingly, the applicant respectfully requests that the Examiner allow claims 1, 2, and 4-16.

Traverse of Rejections under 35 USC Section 103(a) - Claims 1, 3, 17, and 19.

The Examiner has rejected claims 1, 3, 17, and 19 under 35 USC Section 103(a) over Reich (3,368,838) in view of Shields (3,796,404). The Applicant has carefully reviewed the Examiner's arguments and disagrees with the Examiner's argument because the elements for

prima facie obviousness (see MPEP 706.02(j)) have not been met by the prior art reference combination proposed by the Examiner because (in addition to other reasons) there was no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

The Reich device is designed for lifting shipping containers. Such devices must be able to lock into connection with the container so that the connection will not be released in the event of a sudden weight shift or angled displacement of the container or via slackening of the hoist cable. The shields reference does not have the same consideration because the device disclosed therein is not used to move items relative to a support surface, so no complicated locking apparatus is required. The combination would not create an acceptable solution for the problems addressed by the cited references.

One aspect of the Applicant's inventive insight that is not recognized in the prior art is that there are many circumstances in which a load can be safely lifted with a device as claimed by the Applicant despite issues of sudden weight shift or angled displacement.

Therefore, there is no suggestion or motivation in either reference to modify the reference or to combine reference teachings, nor is there suggestion or motivation in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Traverse of Rejections under 35 USC Section 103(a) – Claim 19.

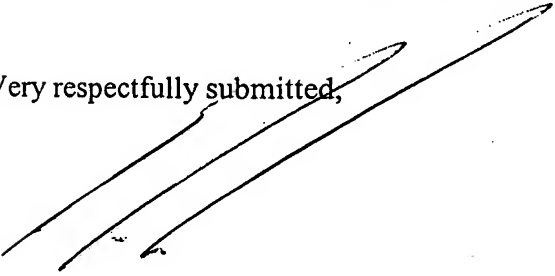
In addition to novel and non-obvious features disclosed in claim 19, claim 19 is dependent on claim 16 which has previously been shown to be allowable. Therefore, claim 19 should also be in allowable form. Accordingly, allowance of claim 19 is also respectfully requested.

CONCLUSION

For all the reasons above, Applicant submits that the claims all define novel subject matter that is nonobvious. Therefore, allowance of these claims is submitted to be proper and is respectfully requested.

Applicant invites the Examiner to contact Applicant's representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Very respectfully submitted,



Gregory Scott Smith
GSS Law Group
3900 Newpark Mall Rd
Third Floor, Suite 317
Newark, CA 94560

Reg. No. 38,309
Phone (510) 742-7417
Fax (510) 742-7419

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature 
Evanjin M. Dasalla

Date: January 23, 2006